



PATENT

Customer No. 22,852  
Attorney Docket No. 08702.0071-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Kim et al. ) Group Art Unit: 1654  
Application No.: 09/687,281 )  
Filed: October 13, 2000 ) Examiner: Jennifer I. Harle  
For: INJECTABLE CARRIER )  
FORMULATIONS OF )  
HYALURONIC ACID )  
DERIVATIVES FOR DELIVERY ) Confirmation No. 9127  
OF OSTEOGENIC PROTEINS )

**Mail Stop RCE**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.97(d)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(d), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed before payment of the issue fee and together with a Request for Continued Examination under §1.114(a).

Copies of the listed foreign and non-patent literature documents are attached.

Copies of the U.S. patent are not enclosed.

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Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

Applicants include these references because they were cited in a communication from the European Patent Office in a counterpart foreign application. Applicants have not considered or characterized these references, but are simply submitting them for the Examiner's consideration.

Applicants will continue to submit all documents that are material to patentability as they become aware of them.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

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A check is enclosed in the amount of \$970.00 for the fee of \$180.000 under 37 C.F.R. § 1.17(p) and the Request for Continued Examination fee of \$790.00 under 37 C.F.R. § 1.17(e). The Commissioner is authorized to charge any other required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: January 19, 2006

By: Elizabeth Mathiesen  
Elizabeth E. Mathiesen  
Reg. No. 54,696

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

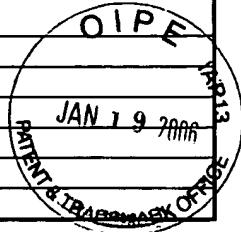
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of

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**Complete if Known**

Application Number	09/687,281
Filing Date	October 13, 2000
First Named Inventor	Kim et al.
Art Unit	1654
Examiner Name	Jennifer Harle
Attorney Docket Number	08702.0071-00000

**U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS**

Examiner Initials	Cite No. <sup>1</sup>	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-4,957,744	09-18-1990	della Valle et al.	
		US-5,540,121	04-23-1996	RHEE et al.	
		US-5,336,767	08-09-1994	della Valle et al.	
		US-5,942,499	08-24-1999	Radomsky	
		US-			

**Note:** Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.**FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		WO97/32591	09-12-1997	Radomsky		

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>6</sup>
		Brun, et al. "Chondrocyte aggregation and reorganization into three-dimensional scaffolds," <i>Journal of Biomedical Materials Research</i> , 46(3): 337-346 (1999).	
		Copy of Notice of Opposition to a European Patent for 1 223 990 B1 dated April 28, 2005.	
		Vercruyse, et al., "Hyaluronate Derivatives in Drug Delivery," <i>Critical Reviews in Therapeutic Drug Carrier Systems</i> , 15(5): 513-555 (1998).	

Examiner Signature	Date Considered
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**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.